

IN THE U.S. PATENT & TRADEMARK OFFICE

Applicant: Ecker et al. : Confirmation No.
Serial No. : GROUP ART UNIT ____
Filed: : Examiner: unassigned
Title: ELECTRONIC MODULE : Nov. 12, 2003
ENCLOSURE HAVING HINGED FRONT : Floyd A. Gonzalez
COVER : Intellectual Property Law
____ : 2455 South Road, P386
____ : Poughkeepsie, NY 12601

Statement

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

With regard with the applicants' obligation of candor, the following statement is submitted for the Examiner's consideration:

An invention disclosure document for the present invention was submitted October 4, 2002;

The invention disclosure document indicated that the present invention was workable September 6, 2002;

Drawings showing the invention were made on or about August 15, 2002;

The machine that the invention was being designed for was subject to special disclosures to selected customers under secrecy agreements from at least September 10, 2002 to the formal announce date of November 12, 2002. At least some of these secret disclosure may have included special bids;

A general announcement was made on November 12, 2002 that the machine for which the present invention was being designed would be generally available on December 13, 2002;

It was uncertain if the invention would be workable until vibration tests of the design were completed. The vibration tests were completed December 12, 2002, and the final test results were reported to the inventors on December 18, 2002.

It is submitted that the invention was not completed until at least December 12, 2002 when the vibration tests for the design were completed, the results of which were reported to the inventors by a report on December 18, 2002. It is respectfully submitted that until the vibration tests were completed on December 12, 2002, the inventors did not know if the electronic enclosure of the present invention would work for its intended purpose (see *Baker Oil Tools Inc. V. Geo Vann Inc.*, 4 USPQ2d 1210, 1213 (CAFC 1987)), and thus the invention was not complete until at least December 12, 2002.

It is further stated that the vibration tests were not conducted in public, and that the vibration tests were conducted in the vibration lab of IBM, the assignee of the present invention.

RESPECTFULLY SUBMITTED



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